

BEFORE THE
FEDERAL ELECTION COMMISSION

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COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 21 1 23 PM '97

In the Matter of
China Airlines, Ltd.

MUR 4594

RESPONSE OF ROBERT C. HASTINGS, JR. TO
SUBPOENA TO PRODUCE DOCUMENTS AND
ORDER TO SUBMIT WRITTEN ANSWERS

Respondent Robert C. Hastings, Jr. ("Hastings"),
through undersigned counsel, responds as follows to the Federal
Election Commission's Subpoena To Produce Documents and Order To
Submit Written Answers.

GENERAL OBJECTIONS, INCLUDING OBJECTIONS
TO INSTRUCTIONS AND DEFINITIONS

1. Hastings objects to the third paragraph of the
instructions, which requires that Hastings identify "each person
capable of furnishing testimony concerning the response given
. . . ." The instruction is overly broad, unduly burdensome,
oppressive, and vexatious. Further, as set forth below, Hastings
objects to the use in this instruction of the term "person" as
defined by the Federal Election Commission.

21.04.402.4650

21.04.402.4651

2. Hastings objects to the sixth paragraph of the instructions, which indicates that the discovery requests shall refer to the time period January 1, 1984 to present. This time period far exceeds the scope of the relevant time period for FEC enforcement purposes under the applicable statute of limitations.

3. Hastings objects to the definitions of "you" and to the definition of "Document" as it incorporates the term "you," to the extent that such definitions seek to include agents or attorneys of Hastings. The definitions are overly broad, unduly burdensome, oppressive, vexatious, and may request the production of irrelevant documents or call for documents not in the possession, custody, or control of Hastings. As set forth below, Hastings also objects to these definitions to the extent they would require disclosure of privileged documents.

4. Hastings objects to the definition of "Persons" and to each question and document request incorporating the definition of "Persons" to the extent that it refers to any entity other than Hastings or seeks to require Hastings to search for documents relating to people or entities of which Hastings may have no knowledge. The definition of "Persons" is vague, ambiguous, overly broad, unduly burdensome, oppressive,

vexatious, and may request the production of irrelevant documents or call for documents not in the possession, custody, or control of Hastings.

5. Hastings objects to the definition of "Documents" and to the document request incorporating such definition to the extent that it is inconsistent with or seeks to alter or expand the requirements of the Federal Rules of Civil Procedure.

6. Hastings objects to the document request if and to the extent it requests the production of documents protected against disclosure by the attorney-client privilege, the work product doctrine, or any rule of privilege, confidentiality, or immunity provided by law. Hastings further objects to the document request to the extent it requests documents the production of which would violate the privacy rights of individuals or confidentiality agreements, or documents that would result in the disclosure of confidential commercial information, trade secrets, or proprietary information. Moreover, Hastings construes the document request not to request legal memoranda, draft submissions, attorney notes, communications between Hastings and his counsel, communications between counsel and Hastings as an expert retained to assist

counsel, or other documents and communications that were generated or gathered by or for counsel after receipt of the Federal Election Commission's December 6, 1996 "reason to believe" letter.

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7. In responding to these questions and document request, Hastings does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, Hastings does not concede by responding that the answers provided are relevant to the subject matter of this action or are calculated to lead to the discovery of admissible evidence. Hastings expressly reserves the right to object to further discovery into the subject matter of these requests.

RESPONSES AND SPECIFIC OBJECTIONS

Hastings incorporates his General Objections by reference into each response as though fully set forth therein, and no response shall be construed to waive any of those General Objections.

Question No. 1:

Describe the basis for your evaluation of the fair market value of space leased by Fasi at the Chinatown Cultural Plaza Shopping Center ("Cultural Plaza").

Response to Question No. 1:

Without waiving and subject to the General Objections, Hastings states that the basis for his evaluation of the fair market value of space leased by Fasi at the Cultural Plaza is set forth in his affidavit, which was filed as Attachment A to the February 14, 1997, submission of China Airlines, Ltd. ("CAL") to the Federal Election Commission ("Commission"). Hastings' knowledge of the Honolulu real estate market and the property in question are borne of his 29 years experience as a Real Estate Appraiser and Counselor in Honolulu and his professional training, expertise and awareness.

Question No. 2:

Identify all documents relating to your evaluation of the fair market value of space leased by Fasi at the Cultural Plaza.

Response to Question No. 2:

Hastings objects to Question No. 2 as vague and overly broad in its use of the undefined phrase "relating to." Without waiving and subject to this objection and the General Objections, Hastings responds that he did not rely on any documents in

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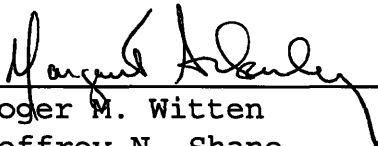
evaluating the fair market value of space leased by Fasi at the Cultural Plaza.

Document Request No. 1:

Provide all documents relating to your evaluation of the fair market value of space leased by Fasi at the leasing of space at the Cultural Plaza.

Response to Document Request No. 1:

Hastings objects to Document Request No. 1 as vague and overly broad in its use of the undefined phrase "relating to." Without waiving and subject to this objection and the General Objections, Hastings states that he did not rely on any documents in evaluating the fair market value of space leased by Fasi at the Cultural Plaza.



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